United Nations CRC/C/KGZ/CO/3-4

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third and fourth periodic reports of Kyrgyzstan*

1. The Committee considered the combined third and fourth periodic reports of Kyrgyzstan (CRC/C/KGZ/3-4) at its 1880th and 1881st meetings (see CRC/C/SR.1880 and 1881), held on 28 May 2014, and adopted, at its 1900th meeting, held on 13 June 2014, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic reports of Kyrgyzstan (CRC/C/KGZ/3-4), albeit delayed, and the written replies to its list of issues (CRC/C/KGZ/Q/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level, multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures:

(a) Amendments to the Children's Code on 10 July 2012;

(b) The new Constitution on 27 June 2010, which includes special guarantees for families and children;

(c) The State Benefits Act on 29 December 2009, which sets out the right to monthly social benefits for families in poverty;

(d) The Act on the rights and guarantees of persons with disabilities on 3 April 2008.

4. The Committee welcomes the ratification of and/or accession to the:

* Adopted by the Committee at its sixty-sixth session (26 May–13 June 2014).

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(a) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in December 2010;

(b) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in December 2008.

5. The Committee welcomes the following policy measures:

(a) National Action Plan against Trafficking in Human Beings for 2013–2016;

(b) Strategy on Social Protection for 2012–2014;

(c) Education Development Strategy for 2012–2020 and the Action Plan for the Implementation of the Education Development Strategy for 2012–2014;

(d) Decree of the Government on standards for social services to families and children as well as institutions which provide social services to children in difficult life circumstances on 9 October 2012;

(e) Order of the Ministry of Social Services on a programme for rehabilitation of children in conflict with the law on 17 May 2012;

(f) Programme of State guarantees relating to the provision of medical and health care of 2011, which inter alia, provides for free health care for children under 5 years of age.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

The Committee's previous recommendations

6. While welcoming the State party's efforts to implement the Committee's concluding observations of 1 October 2004 (CRC/C/15/Add.244) on the State party's second periodic report, the Committee notes with regret that some of the recommendations contained therein have not been sufficiently addressed. Those issues remain of concern for the Committee.

7. **The Committee urges the State party to take all the necessary measures to address those recommendations from the concluding observations (CRC/C/15/Add.244) that have not been implemented or sufficiently implemented, and, in particular, it urges the State party to:**

(a) Establish a comprehensive policy with a view to strengthening its efforts to ensure that the provisions and principles of the Convention are widely known and understood by adults and children alike, and reinforce adequate and systematic training of all professional groups working for and with children, in particular law enforcements officials, teachers, health personnel (e.g. psychologists and social workers) and personnel in childcare institutions;

(b) Develop a comprehensive system for collecting disaggregated data covering all those under the age of 18 years; that data can be used as a basis for assessing progress achieved in the realization of children's rights and to help design policies to implement the Convention;

(c) Strengthen the role of the Office of the Ombudsman, in particular the Deputy Ombudsman for Children, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the

Paris Principles). The unit on children's rights within the Office of the Ombudsman should be given the power to deal with complaints from children, and to do so in a child-sensitive and expeditious manner, and to provide remedies for violations of their rights under the Convention. The unit should be provided with adequate human and financial resources;

(d) Involve non-governmental organizations, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention;

(e) Undertake measures to ensure that children's views are given due consideration in schools, courts, within the family and during relevant administrative processes concerning children through, inter alia, adoption of appropriate legislation, training of all caregivers and professionals working with and for children and the use of information campaigns.

Legislation

8. The Committee welcomes the amendments to the Children's Code on 10 July 2012, making it more consistent with the Convention, in particular in the areas of juvenile justice and deinstitutionalization of children. However, it regrets the lack of information on the implementation of the Code and other legislation in the area of children's rights. The Committee also regrets that the courts of the State party do not apply the Convention directly and do not refer to its provisions in their judgements when considering cases concerning the child's rights and interests.

9. **The Committee urges the State party to continue its efforts to bring its legislation into line with the Convention and ensure that such laws are fully and effectively implemented. It recommends that the State party provide information on the evaluation of the implementation of its laws and regulations in the area of children's rights. The Committee also recommends that the State party ensure that the Convention is directly applied and referred to in judgements by its courts.**

Comprehensive policy and strategy

10. The Committee welcomes the various programmes, plans and strategies relating to rights of children adopted by the State party during the reporting period, including the Action Plan on Child Protection System Reform for 2009–2011. However, the Committee is concerned about the lack of information on the implementation of its programmes, plans and strategies and their outcomes.

11. **The Committee recommends that the State party ensure that its programmes, plans and strategies are effectively implemented and include practical measures that clearly indicate the roles and responsibilities of relevant bodies at national, regional and local levels, and provide them with the necessary human, technical and financial resources. It also recommends that the State party ensure that there are systems for the monitoring and evaluation of its programmes and plans of action.**

Coordination

12. The Committee notes the State party's information that coordination of activities in the area of children's rights is carried out by the Department for Protection of Families and Children under the Ministry of Social Development. The Committee is, however, concerned that the Department is underfunded and has a high staff turnover due to low salaries, which seriously hampers the effectiveness of its work.

13. **The Committee recommends that the State party take the necessary measures to provide its coordinating mechanism with sufficient authority and adequate human,**

technical and financial resources to ensure effective coordination of activities on children's rights across all sectors and at national, regional and local levels.

Allocation of resources

14. The Committee notes that, despite the budgetary constraints of the last few years, the State party managed to maintain its planned level of social spending. Nevertheless, the Committee is concerned that social spending remains very low and that resources for children are not always allocated efficiently.

15. **In the light of its day of general discussion on "Resources for the Rights of the Child – Responsibility of States" in 2007 and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:**

(a) Earmark sufficient budget resources specifically targeted at the implementation of the rights of children;

(b) Establish an effective system for tracking, monitoring and evaluating the allocation and use of resources for children by all relevant sectors throughout the budget, thus making investment benefiting children clear.

B. Definition of the child (art. 1)

16. The Committee notes the State party's statement that the age of majority is 18 years, but is concerned that some of its laws and policies, including the Youth Policy Act and health policies, define children as being below the age of 14 years, which is not consistent with the definition of a child under the Convention and leads to discrimination against children above the age of 14 years, in particular with regard to free access to medical services.

17. **The Committee recommends that the State party take measures to harmonize its legislation and policies in relation to its definition of a child in order to ensure that all children below the age of 18 years are afforded the same rights and entitlements in all sectors.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

18. The Committee notes the efforts of the State party in combating discrimination, but is concerned that discrimination continues to be prevalent against children in marginalized and disadvantaged situations, such as children belonging to minority groups, including Lyuli children, children in care institutions, children with disabilities, girl children, children of migrant workers, children not registered as residents and children belonging to the lesbian, gay, bisexual, transgender and intersex (LGTBI) group.

19. **The Committee urges the State party to take urgent measures to prevent discrimination against children in marginalized and disadvantaged situations, such as children belonging to minority groups, including Lyuli children, children in care institutions, children with disabilities, girl children in rural areas, children of migrant workers, children not registered as residents and children belonging to the LGTBI group, and periodically evaluate the outcomes of its measures. The Committee also recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention and undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related**

Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.

Best interests of the child

20. The Committee notes that the 2010 Constitution and the Children's Code include provisions on the best interests of the child. However, it is concerned that insufficient measures are being taken in practice to implement the right of the child to have his or her best interests taken into account as a primary consideration. The Committee is also concerned that the term "legitimate interests of the child", which is used in some of the State party's laws, is not equivalent to "the best interests of the child" in its scope.

21. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that the right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects relevant to and with an impact on children. In that regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area, giving them the appropriate weight as a primary consideration. Such procedures and criteria should be disseminated to courts of law, administrative authorities and legislative bodies, public and private social welfare institutions, as well as traditional and religious leaders and the public at large.**

Right to life, survival and development

22. The Committee is seriously concerned about the considerable number of children killed during the violence in June 2010 and the inability of the State party to protect them during the conflict. The Committee is also concerned about the failure of the State party to investigate those killings expeditiously and bring those responsible to justice.

23. **The Committee recommends that the State party establish mechanisms to provide rapid response to protect children in case of conflict and provide prompt, impartial and effective investigation into the killings, including of children, during the June 2010 events.**

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration

24. The Committee is concerned about reports that children born to parents who do not possess valid identity documents, in particular Lyuli mothers or mothers without a residence permit, are denied birth registration. The Committee is also concerned by reports of excessive bureaucratic and illegal demands made in the process of restoring birth certificates.

25. **The Committee urges the State party to ensure that all children born in its territory are registered and provided with standard birth certificates immediately without any undue barriers, irrespective of the availability of their parents' identity documents or residence permits. The Committee also recommends that the State party simplify the procedure for birth registration and ensure that no illegal demands are made in the process of restoring birth certificates.**

Name and nationality

26. The Committee notes the amendments to the Citizenship Act on 17 March 2012, which simplified naturalization procedures for certain categories of foreigners such as foreign spouses of Kyrgyz nationals and foreigners who have been living in the country for five years or more. It is concerned, however, that the law fails to address a number of issues relating to the children of stateless persons who are temporary residents and children born to parents of different nationalities.

27. **The Committee recommends that the State party amend its Citizenship Act and establish safeguards to prevent children born and living in its territory from becoming stateless. It also recommends that the State party ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.**

E. Violence against children (articles 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

28. The Committee is extremely concerned about widespread torture and ill-treatment of children by the representatives of law enforcement in detention facilities and closed institutions, including solitary confinement being imposed on them for up to seven days. In particular, the Committee is concerned about the case of Nookat in 2008, where families, including children, were subjected to torture for their alleged membership in the Hizbut Tahrir religious group. The Committee is also concerned about the lack of complaint mechanisms and effective investigations into cases of torture and ill-treatment of children in detention facilities and closed institutions and during the investigation process.

29. **The Committee urges the State party to take immediate measures to:**

(a) Launch prompt and effective independent investigations into all allegations of torture and ill-treatment against children in detention facilities and closed institutions and during investigations, in particular in relation to the Nookat case, and ensure that perpetrators are prosecuted and punished under relevant articles of the Criminal Code;

(b) Ensure care, recovery, compensation and rehabilitation for child victims of torture and ill-treatment;

(c) Prevent incidents of torture and ill-treatment by independent monitoring and unannounced visits to places of detention and closed institutions and by undertaking comprehensive training programmes for security and police personnel;

(d) Establish an effective complaint and data collection system for complaints of torture or other forms of ill-treatment of children deprived of their liberty.

Child abuse and neglect

30. The Committee is concerned about the widespread abuse of children in families, alternative care settings and schools, including verbal, psychological and physical abuse, and a lack of psychosocial support for such children. It is also concerned that there is no mechanism to send child victims of abuse and neglect to temporary foster families or crisis centres, the latter of which are scarce due to lack of sufficient funding.

31. **The Committee recommends that the State party:**

(a) Take all necessary measures to prevent the abuse of children by raising the awareness of the public on the negative impacts of such abuse on child's health and development;

(b) Investigate and prosecute those responsible for child abuse in families, alternative care settings and schools and ensure that victims of abuse have access to complaints procedures, counselling, medical care and other recovery assistance as appropriate;

(c) Establish temporary foster families and crisis centres for such children and a mechanism for referring children to them, as well as allocate sufficient resources in order to provide children with the necessary medical, psychological and social support.

Corporal punishment

32. The Committee notes that corporal punishment is unlawful in schools, penal institutions and residential care institutions, but is concerned that the implementation of the laws prohibiting corporal punishment is ineffective. The Committee also regrets that corporal punishment is not expressly prohibited in the home and in foster and day care.

33. **In the light of its general comment No. 8 (2008) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to prohibit in law the use of all forms of corporal punishment in all settings, in particular in the home and foster care, and provide for enforcement mechanisms under its legislation, including providing appropriate sanctions in cases of violation. It also recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-violent and participatory forms of child-rearing and discipline.**

Freedom of the child from all forms of violence

34. **Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:**

(a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;

(b) Adopt a national coordinating framework to address all forms of violence against children;

(c) Pay particular attention to and address the gender dimension of violence;

(d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.

Sexual exploitation and abuse

35. The Committee is seriously concerned about:

(a) The growing number of cases of sexual exploitation and abuse of children;

(b) The culture of covering up problems of sexual violence in public educational and medical facilities and even in bodies responsible for child protection;

(c) The absence of mechanisms in the State party to identify, detect and protect children who are victims of sexual violence;

(d) The inaction of law enforcement agencies, reportedly corrupt, in registering cases of child sexual abuse and the mishandling of such cases;

(e) The child not being able to apply directly to the authorities for protection, but only through parents or legal guardians, who at times may be perpetrators themselves.

36. **The Committee recommends that the State party take urgent measures to:**

(a) Prevent the sexual abuse and exploitation of children by ensuring effective pursuit of perpetrators and commensurate sanctions for perpetrators of child sexual exploitation and abuse within its jurisdiction and throughout its territory;

(b) Raise awareness and encourage the public and children to report cases of sexual violence and exploitation against children, especially in educational and medical facilities;

(c) Establish effective mechanisms to identify, detect and protect children who are victims of such crimes;

(d) Ensure that law enforcement officials pay particular attention to crimes against children and be punished for inaction in registering and investigating any crimes against children as well as for the mishandling of cases;

(e) Provide children of all ages with the possibility of applying for the protection of the authorities directly, without the involvement of their parents or legal guardians.

Harmful practices

37. The Committee welcomes the amendments to the Criminal Code increasing the punishment to up to 10 years' imprisonment for kidnapping of "brides" below the age of 17 years and notes that, as the result of a one-year campaign on "bride-kidnapping", the number of incidents of bride-kidnapping has decreased. However it is seriously concerned about the continuing widespread practice of bride-kidnapping of underage girls and that cases often remain unreported by the victims owing to social stigma and pressure. The Committee is also concerned about the increasing numbers of early marriage of girls forced by parents owing to social and economic difficulties.

38. **The Committee recommends that the State party take all necessary measures to ensure that all incidents of "bride-kidnapping" are promptly, impartially and effectively investigated, that all those responsible for such abuses are held accountable, prosecuted and sanctioned, and that victims of such abuses obtain redress. It also recommends that the State party prevent early marriages of girls by developing and undertaking comprehensive awareness-raising programmes on the negative implications of early marriage for the girl child's rights to health, education and development, targeting in particular traditional and religious leaders, parents and State parliamentarians.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20, 21, 25, 27 (4))

Family environment

39. The Committee is concerned that parents who go abroad for work often have to leave their children with grandparents or other relatives, or even place them in care institutions, and that those children may often be subjected to abuse and neglect.

40. **The Committee recommends that the State party provide counselling and financial support to families with children in order to prevent children being separated from their parents. The Committee also recommends that the State party provide grandparents or other relatives with sufficient support and ensure that such children are not subjected to abuse and violence.**

Children deprived of a family environment

41. The Committee notes the State party's plan to optimize the management and financing of care institutions for 2013–2016, which aims at reducing the number of care institutions. It is concerned, however, that:

(a) The number of children placed in care institutions owing to poverty is growing;

(b) The number of foster families and family-based placements for children remains insufficient;

(c) Children in care institutions do not receive adequate nutrition sufficient for their age;

(d) Children in care institutions do not receive regular, adequate health-care services, which has resulted in the increase of diseases and the inappropriate prescription of drugs by medical personnel who are often without the necessary qualifications;

(e) Care institutions do not provide dental care and, as a result, most children of 14 and 15 years of age in those institutions are in need of dental prosthetics;

(f) Living conditions in care institutions are extremely poor, including poorly heated rooms, absence of hot water and poor hygiene and sanitation;

(g) Monitoring and control of care institutions, including private care institutions, and family-type alternative care, are insufficient;

(h) There is no assistance or support, such as accommodation, for children who leave care institutions other than their enrolment in technical colleges.

42. **Recalling the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) Strengthen and enforce the deinstitutionalization process, by improving support to families and ensuring that placement in institutional care is used only as a last resort;

(b) Increase and provide incentives for family-type alternative care;

(c) Ensure and monitor that children in care institutions are provided with quality nutrition sufficient for their age;

(d) Ensure that children in care institutions receive timely medical services of adequate quality, including preventive treatment, by qualified medical professionals;

(e) Provide children in care institutions with free and regular dental care, including dental prosthetics, if necessary;

(f) Improve and monitor living, sanitation and hygiene conditions in care institutions;

(g) Ensure the systematic, frequent and effective monitoring and control of the situation of children residing in care institutions, including private care institutions, and in family-type alternative care;

(h) Provide children in alternative care settings with access to an independent and confidential complaint mechanism;

(i) Provide children leaving care institutions with the necessary support, including accommodation, employment or further education.

Adoption

43. While the Committee notes that the State party is in the process of accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993, it regrets that the State party has not yet formally acceded to the Convention. The Committee is also concerned that adoption procedure in the State party is excessively bureaucratic and subject to illicit activities.

44. **The Committee recommends that the State party speed up the process of accession to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993. It also recommends that the State party establish effective mechanisms aimed at facilitating the adoption process by removing unnecessary barriers, while at the same time ensuring proper screening of families by whom children are to be adopted. In particular, it urges the State party to investigate all cases of corruption in the adoption process and ensure that all persons responsible are prosecuted and punished accordingly.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33)

Children with disabilities

45. The Committee notes the Education Development Strategy for 2012–2020 and the Presidential National Sustainable Development Strategy for 2013–2017, which prioritize inclusive education for children with disabilities. However, the Committee is concerned at:

(a) Widespread institutionalization of children with disabilities and that institutions are often located far from their home;

(b) Social and economic exclusion of children with disabilities owing to widespread stigmatization and negative attitudes towards them;

(c) Lack of adequate support for families with children with disabilities aimed at providing access to care at home;

(d) Insufficient social benefits for families with children with disabilities;

(e) Lack of access to preschool and school education for children with disabilities owing to a lack of trained teachers, a rigid curriculum and physical and social barriers;

(f) Deaths of children with disabilities in care institutions reportedly owing to the neglect of their health and the lack of monitoring mechanisms to prevent such incidents;

(g) Lack of stimulating activities for the development of children with mental disabilities.

46. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to ensure the conformity of its legislation, policies and practices with, inter alia, articles 23 and 27 of the Convention, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party take all the necessary measures to:**

(a) Develop a policy on deinstitutionalization and prevent excessive institutionalization of children with disabilities by providing all the necessary support to families with children with disabilities and ensure sufficient alternative family and community-based care options for children with disabilities deprived of family environment;

(b) Raise the awareness of the public, in particular children, about the rights of children with disabilities and take measures for their successful integration into society;

(c) Ensure that social benefits for families with children with disabilities are sufficient to cover the basic needs of such children;

(d) Provide inclusive education for children with disabilities by training teachers, providing schools with necessary equipment and raising the awareness of school personnel, children and the public in general of the rights of children with disabilities;

(e) Ensure prompt and effective investigation into cases of deaths of children with disabilities in care institutions and establish an independent monitoring of care institutions, in particular of the health-care services provided to children in such institutions;

(f) Ensure that all children with mental disabilities are provided with appropriate stimulating activities.

Health and health services

47. The Committee welcomes the Den Sooluk National Healthcare Programme for 2012–2016 and the programme of State guarantees relating to the provision of medical and health care, which provide access to free medical care. However, the Committee is concerned that neither of the programmes cover children above the age of 14 years. The Committee is also concerned about the increasing number of deaths of children in the first 24 hours of admission to hospital as a result of curable diseases, such as pneumonia and diarrhoea, and the high number of children who suffer from malnutrition.

48. **In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party take measures to ensure that all children up to the age of 18 years are covered under the State party's programmes for children and have access to health-care services free of charge. It recommends that the State party take measures to prevent deaths of children as a result of preventable and curable diseases, by educating parents and providing easy access to early medical intervention. Furthermore, the Committee recommends that the State party take measures to ensure that no child in the country is undernourished and that all children have access to adequate and sufficient nutritious food.**

HIV/AIDS

49. The Committee is concerned about the growing number of HIV/AIDS infections, including among children, especially in the south of the country, owing to needle-sharing in hospitals and a lack of awareness about the modes of transmission. It is seriously concerned about the infection of more than 100 children in medical facilities in Osh province during 2006–2007.

50. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party take all necessary measures to prevent transmission of HIV/AIDS by raising the awareness of the public, including children, about the means of transmission and providing hospitals with necessary resources to prevent sharing of needles and other instruments that could lead to infections. The Committee also recommends that the State party provide information on the investigation into the mass infections of children with HIV/AIDS in Osh province and their causes, and ensure that the victims are provided with appropriate assistance and support. Furthermore, the Committee urges the State party to take all the necessary measures to prevent such incidents from happening again.**

Adolescent health

51. The Committee is concerned about the large numbers of unwanted pregnancies among adolescent girls owing to low awareness of contraception options among adolescents and a lack of access to contraceptives. The Committee is also concerned that schools do not provide classes on sexual and reproductive health.

52. **Referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that age-appropriate sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention given to preventing early pregnancy and sexually transmitted infections. It also recommends that the State party provide adolescents with confidential services and easy access to contraceptives.**

Breastfeeding

53. The Committee notes the Act on the promotion of breastfeeding practices of March 2009 regulating the advertisement and promotion of infant formulas. However, the Committee is concerned about the poor implementation of the law and reported complicity between medical personnel and the baby-food industry, which has led to inadequate information and free samples of baby-food products being given to mothers.

54. **The Committee recommends that the State party take all necessary measures to implement its legislation promoting breastfeeding practices and ensure that all mothers receive adequate information on the benefits of their breastmilk. It also recommends that the State party adopt the International Code for Marketing of Breast-milk Substitutes.**

H. Education, leisure and cultural activities (arts. 28, 29 and 31)

Education, including vocational training and guidance

55. The Committee is concerned about:

(a) The increasing number of children not attending schools owing to their involvement in the labour market, the trend being especially high among Lyuli children;

(b) The lack of qualified teachers owing to low salaries, which leads to a very low quality of education, and the lack of textbooks;

(c) Extortion of fees from parents, which prevents many children from attending school;

(d) Poor infrastructure of educational facilities which do not meet safety standards and lack water supply and sewage system, adequate heating and electricity;

(e) Widespread violence and racketeering in schools, which has led to suicides and barred many high school students from attending school for safety concerns;

(f) The tendency to reassign Uzbek-language schools as Kyrgyz and mixed-medium schools following the 2010 ethnic violence.

56. **Taking into account its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) Ensure that all children, including minority children, have access to free and compulsory education, which is not compromised by their involvement in the labour market;

(b) Take measures to improve the quality of education, by training teachers, providing incentives to attract qualified teachers, ensuring a sufficient number of textbooks and conducting independent, regular assessments of children;

(c) Put an end to the practice of extorting fees from the parents of children attending school;

(d) Take measures to invest in and maintain the infrastructure of schools, including on access to water, sewage systems, heating and electricity, and ensure that school buildings respond to high safety standards;

(e) Put an end to school racketeering by supervising the behaviour of children and sanctioning those who are involved in racketeering activities;

(f) Take measures to ensure that children from minority communities, in particular Uzbek children, have access to education in their native language without any restrictions.

I. Other special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b–d) and 38–40)

Children in situations of migration

57. The Committee is concerned that children who have migrated internally with their parents live in hazardous houses with no access to energy, sanitation and communications and have no access to health care and education as they do not have residence permits.

58. **The Committee recalls its report of the day of general discussion on the rights of all children in the context of migration (2012) and recommends that the State party ensure that children of internal migrant workers are provided with adequate living conditions and immediate access to health care and education irrespective of their residency status.**

Children belonging to minority groups

59. The Committee is concerned about discriminatory practices against minority groups and the continuing atmosphere of insecurity and tension since the ethnic conflict in 2010. It is particularly concerned about the increased segregation of minorities in many respects,

such as through language and social polarization, largely mono-ethnic schools and a decrease in inter-ethnic friendships. The Committee is furthermore concerned about discriminatory practices against members of the Lyuli community in daily life.

60. **The Committee recommends that the State party strengthen its efforts to reconcile communities and prevent discrimination against members of minority groups, through multilingual, common education and awareness-raising campaigns to promote tolerance and friendship among communities.**

Economic exploitation, including child labour

61. The Committee is concerned about the large number of children, mostly without a birth certificate, working in hazardous conditions 7 days a week, 10 hours a day. It is particularly concerned that working children, especially those living in care institutions, are often subjected to physical, emotional and sexual abuse.

62. **The Committee urges the State party to remove from its legislation the requirement of 10 days' notification prior to the visit of labour inspectors and to organize regular unannounced inspection of private and State employment sites and ensure that any person who may be below the age of 18 years is not subjected to hazardous working conditions. The Committee urges the State party to ensure regular visits and monitoring of care institutions to detect signs of forced labour and/or physical, emotional and sexual abuse and bring those responsible to justice.**

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

63. The Committee notes the Action Plan against Trafficking in Human Beings for 2013–2016. However, it remains concerned that the State party has not criminalized the sale of children, child prostitution and child pornography as defined in articles 2 and 3 of the Optional Protocol. Furthermore, the Committee remains concerned that extraterritorial jurisdiction is limited to crimes committed by Kyrgyz citizens and stateless persons and there is no reference to cases where the victim of a crime is a Kyrgyz citizen.

64. **The Committee reiterates its previous recommendation that the State party amend the provisions with a view to including all purposes and forms of the sale of children, child pornography and child prostitution in accordance with article 3, paragraphs 1 and 2, of the Optional Protocol. It also recommends that the State party take the necessary legislative measures to ensure that domestic law provides for extraterritorial jurisdiction in full compliance with article 4 of the Optional Protocol.**

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the involvement of children in armed conflict

65. **The Committee regrets the lack of information on the implementation of its concluding observations of 2 February 2007 (CRC/C/OPAC/KGZ/CO/1) on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict.**

Administration of juvenile justice

66. The Committee notes that the 2012 amendments to the Children's Code have strengthened the juvenile justice system and increased the number of judges specializing in juvenile cases. Nevertheless, it is seriously concerned about:

(a) The lack of a holistic juvenile justice system in the State party;

(b) Children being arrested without a court order by law enforcement officers for lacking identification documents and placed in the adaptation and rehabilitation centre for juveniles, which has prison-like conditions;

(c) The detention of children in prison-like conditions often for homelessness, vagrancy and absenteeism at school in the Belovodsky Special Boarding School, which is used as an alternative to imprisonment, although the large number of children detained have not committed any crime;

(d) Detention of children in temporary detention centres together with adults with very limited visits allowed from their family.

67. **The Committee urges the State party to establish a juvenile justice system in full compliance with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee recommends that the State party:**

(a) Establish a system of juvenile courts with specialized staff and with a restorative justice approach;

(b) Avoid unlawful detention of children and ensure that legal safeguards are implemented for the detained children;

(c) Ensure independent court review of decisions on placements in the adaptation and rehabilitation centre for juveniles and Belovodsky Special Boarding School and provide children placed in those institutions with freedom of movement, including the freedom to leave and return at their will;

(d) Ensure that under no circumstances are children detained together with adults and that detention of children is used as a last resort and allow regular visits from the families of children in detention.

In doing the above, the State party should make use, if relevant, of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

Child victims and witnesses of crimes

68. The Committee is concerned about the lack of a child-sensitive approach to child victims and witnesses of crimes by untrained personnel who are often dismissive of a child's testimonies. The Committee is also concerned about the limited access to justice for child victims of crimes, who are totally dependent on their legal representatives such as parents and legal guardians.

69. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime. In particular, it recommends that child victims and witnesses are treated in a child-sensitive manner and their views and testimonies are given due**

weight. Furthermore, it recommends that child victims are provided with unrestricted access to justice without having to be represented by their parents or legal guardians.

J. Ratification of international human rights instruments

70. In order to further strengthen the fulfilment of children's rights, the Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto and the International Convention for the Protection of All Persons from Enforced Disappearance.

K. Follow-up and dissemination

71. The Committee recommends that the State party take all appropriate measures to ensure that the present concluding observations are fully implemented by, inter alia, transmitting them to the Head of State, the Parliament, the relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

72. The Committee further recommends that the combined third and fourth periodic reports, the written replies by the State party and the present concluding observations be made widely available in Russian and the minority languages of the country, including, but not exclusively, through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children.

L. Next report

73. The Committee invites the State party to submit its combined fifth and sixth periodic report by 6 November 2019 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1), and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for purposes of consideration by the treaty body cannot be guaranteed.

74. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for the common core document is 42,400 words as established by the General Assembly in paragraph 16 of its resolution 68/268 (para. 16).